

1615

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : **Juan Luis Benitez-Vargas**  
 Serial : **09/877,841**  
 Filing Date : **June 8, 2001**  
 For : **COMMUNICATION SYSTEM**  
 Docket No. :

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**OFFICE OF PETITIONS**

**REQUEST FOR STATUS UPDATE**

Mail Stop PETITIONS  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
 IS BEING SENT BY U.S. MAIL, FIRST  
 CLASS, TO THE COMMISSIONER FOR  
 PATENTS, P.O. BOX 1450,  
 ALEXANDRIA, VIRGINIA 22313-1450,  
 THIS

26<sup>th</sup> DAY OF January, 2006.  
ELSL  
 PATENT ATTORNEY

In response to the Decision on Petition mailed on May 25, 2005, Applicant filed, on July 22, 2005, a revised Petition enclosing the amount required by the U.S. Patent and Trademark Office. To date, Applicant has not heard further from the U.S. Patent and Trademark Office. Applicant hereby encloses the following:

1. Copy of the Petition filed on July 22, 2005
2. Copy of canceled check # 2155 in the amount of \$ 85.00;
3. Copy of Power of Attorney and Correspondence Address Indication Form;
4. Copy of Decision on Petition;
5. Copy of stamped return Postcard; and
6. Postcard

Applicant hereby respectfully requests that the Notice of Abandonment be withdrawn and that the present application proceed to examination.

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**TECHNOLOGY CENTER A3700**

CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.  
Consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

JUAN LUIS BENITEZ-VARGAS

By: 

Emery L. Tracy, Reg. No. 34,081

P.O. Box 1518

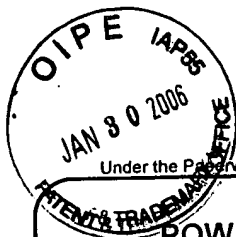
Boulder, Colorado 80306

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PTO/SB/81 (09-03)

Approved for use through 11/30/2005. OMB 0651-0035

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**POWER OF ATTORNEY  
and  
CORRESPONDENCE ADDRESS  
INDICATION FORM**

Application Number	09/877,641
Filing Date	6/8/01
First Named Inventor	Juan Luis Benitez-Vargas
Title	Communication System
Art Unit	
Examiner Name	
Attorney Docket Number	

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I hereby appoint:

☐ Practitioners associated with the Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Emery L. Tracy	34,081

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Emery L. Tracy				
Address	P.O. Box 1518				
Address					
City	Boulder	State	CO	Zip	80306
Country	USA				
Telephone	303-443-1143	Fax	303-443-1415		

I am the:

☒ Applicant/Inventor.☐ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

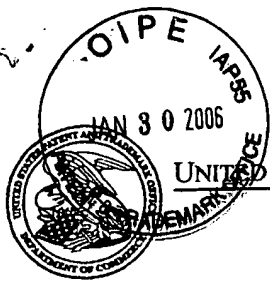
Name	JUAN LUIS BENITEZ-VARGAS				
Signature	<i>[Signature]</i>				
Date	07/05/05	Telephone	303-653-6950		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Paper No. 6

**MATTHEW J. PEIRCE**  
**1550 STARLIGHT CANYON AVENUE**  
**LAS VEGAS NV 89123**

In re Application of  
Benitez-Vargas  
Application No. 09/877,641  
Filed: June 8, 2001  
Attorney Docket No. None

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**MAY 25 2005**

**OFFICE OF PETITIONS**  
**ON PETITION**

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**JUL 18 2006**

**OFFICE OF PETITIONS**

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b)<sup>1</sup> must be accompanied by: (1) the required reply,<sup>2</sup> unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) 2.

The current rate at the time of filing the instant petition is \$750 instead of \$665 that was submitted with the petition. Therefore, a total of \$85 (\$750-\$665) is required.

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<sup>1</sup> As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

<sup>2</sup> In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Further correspondence with respect to this matter should be addressed as follows:

By mail:                      Mail Stop PETITIONS  
                                 Commissioner for Patents  
                                 Post Office Box 1450  
                                 Alexandria, VA 22313-1450

By hand:                     Customer Window located at:  
  
                                 Randolph Building  
                                 401 Dulany Street  
                                 Alexandria, VA 22314

By fax:                        (703) 872-9306  
                                 ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc:  
**MATTHEW J. PEIRCE**  
**330 S. 3RD ST. #1005**  
**LAS VEGAS, NV 89101**



Applicant: **Juan Luis Benitez-Vargas**

For: **COMMUNICATION SYSTEM**

Serial No.: **09/877,641**

Filing Date: **June 8, 2001**

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**JUL 26 2005**

**OFFICE OF PETITIONS**

Please date stamp and return to acknowledge your receipt of the following documents filed on July 22, 2005, including:

- ☒ Petition (2 pages) and copy with Certificate of Mailing and Deposit Account Authorization
- ☒ Power of Attorney and correspondence Address Indication Form
- ☒ Check # 2155 in the amount of \$ 85.00

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**TECHNOLOGY CENTER R3700**



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Check Number	Date Posted	Check Amount	Account Number
2155	08/03/05	\$85.00	BUSINESS CHECKING 182-8103xxx

EMERY L. TRACY  
Trust Account  
P.O. BOX 1518  
BOULDER, CO 80306

2155  
23-7-0320

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BOULDER, CO 80303

DATE: 08/03/05

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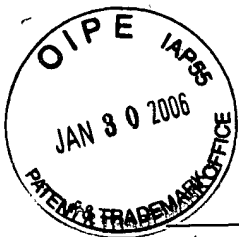
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13

Applicant : **Juan Luis Benitez-Vargas**  
Serial : **09/877,541**  
Filing Date : **June 8, 2001**  
For : **COMMUNICATION SYSTEM**  
Docket No. :

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**JUL 18 2006**  
**OFFICE OF PETITIONS**

**PETITION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I HEREBY CERTIFY THAT THIS PAPER  
IS BEING SENT BY U.S. MAIL, FIRST  
CLASS, TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450,  
THIS  
22<sup>nd</sup> DAY OF July, 2005.  
E. J. Jr.  
PATENT ATTORNEY

In response to the Decision on Petition mailed on May 25, 2005, which dismissed the Petition filed on December 30, 2004, please find enclosed the following:

1. Check # 2155 in the amount of \$ 85.00;
2. Power of Attorney and Correspondence Address Indication Form; and
3. Postcard

In the Decision, the U.S. Patent and Trademark Office stated that the Petition fee was lacking. With the Petition filed on December 30, 2004, the attorney of record submitted a check in the amount of \$ 665.00. Applicant now includes the remainder of the fee in the amount of \$ 85.00. Therefore, Applicant respectfully requests that the Notice of Abandonment be withdrawn and that the present application proceed to examination.

If additional fees are required, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment in the filing fees to my deposit account #50-2084. A duplicate of this Petition is enclosed.

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**TECHNOLOGY CENTER R3700**



CONCLUSION

In conclusion, it is believed that the present application is in condition for allowance.  
Consideration and allowance of the claims are respectfully requested.

Respectfully submitted,

JUAN LUIS BENITEZ-VARGAS

By: 

Emery L. Tracy, Reg. No. 34,081

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Boulder, Colorado 80306

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